

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LANE K. KROLL,

Plaintiff,

v.

SHELLY AJAXES,

Defendant.

NO: 4:20-CV-5203-TOR

ORDER DISMISSING ACTION
WITHOUT PREJUDICE

By Order filed November 12, the Court directed Plaintiff, a *pro se* pretrial detainee at the Benton County Jail, to clarify his intent regarding this case. ECF No. 4. Plaintiff had filed an AO 91 (Rev. 11/11) Criminal Complaint form on October 28, 2020. On November 12, 2020, a third party filed a letter asking the Clerk of Court to “dismiss” this case and “possibly forward to the ‘correct’ lawful authorities.” ECF No. 3.

The Court explained that Plaintiff is precluded from bringing a criminal complaint in this Court or requesting this Court to compel prosecution based on

1 Plaintiff's asserted charges. ECF No. 4 at 3. The Court then gave Plaintiff the option
2 to file a civil rights complaint utilizing the form provided and to pay the filing fee to
3 commence this action under 28 U.S.C. § 1914(a) or to comply with the *in forma*
4 *pauperis* requirements of 28 U.S.C. § 1915(a). ECF No. 4 at 3-4. In the alternative,
5 the Court granted Plaintiff the opportunity to voluntarily dismiss this action. *Id.* at
6 4. He did neither.

7 The Court concludes that Plaintiff has chosen to abandon this litigation.

8 Therefore, **IT IS ORDERED** this action is **DISMISSED without prejudice**
9 for failure to comply with the filing fee or *in forma pauperis* requirements.

10 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,
11 enter judgment of dismissal without prejudice, provide a copy to Plaintiff and
12 **CLOSE** the file. The Court certifies any appeal of this dismissal would not be taken
13 in good faith.

14 **DATED** December 21, 2020.



Thomas O. Rice
THOMAS O. RICE
United States District Judge